

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN THE MATTER OF	)	Misc. No. 3:16-mj-434-DSC
	)	
THE EXTRADITION OF	)	
	)	
ANDAIN MARTIN	)	
	)	
a/k/a "Kevin Omar Brown"	)	

**CERTIFICATION AND COMMITTAL FOR EXTRADITION**

Having held an extradition hearing on January 9, 2017, and after considering the evidence, in particular, the certified and authenticated documents submitted by the Government of the United Kingdom and the pleadings and the arguments of counsel, the Court finds and certifies to the Secretary of State as follows:

(1) This Court has jurisdiction over, and the undersigned is authorized to conduct, extradition proceedings pursuant to Title 18 U.S.C. 3184;

(2) This Court has personal jurisdiction over ANDAIN MARTIN ("Defendant") found and arrested on or about November 16, 2016, in this District pursuant to a Complaint filed by the United States in response to the request by Government of the United Kingdom for the arrest and extradition of the Defendant;

(3) The Extradition Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, signed March 31, 2003, U.S.-U.K., Dec. 16, 2004, S. TREATY DOC. NO. 109-14 (2006), ("Treaty") and was in full force and effect at all times relevant to this action;

(4) That ANDAIN MARTIN, a/k/a "Kevin Omar Brown" who was sought by the United Kingdom authorities and ANDAIN MARTIN, a/k/a "Kevin Omar Brown" arrested in this District for extradition and brought before this Court are one and the same person;

(5) The Defendant has been charged in the United Kingdom with one count of murder, one count of violent disorder, and one count of unlawful killing. The Government of the United Kingdom has jurisdiction over this criminal conduct;

(6) The above referenced Treaty between the United States and the United Kingdom, pursuant to the Treaty, Article 8, encompasses the offenses for which the Defendant has been charged for which extradition is sought for trial;

(7) The Government of the United Kingdom submitted documents that were properly authenticated and certified in accordance with Title 18 U.S.C. § 3190 in accordance with the terms of the Treaty. Those documents include the pertinent text for the crimes with which the Defendant has been charged;

(8) There is probable cause to believe that the Defendant before this Court, the same person identified in the extradition request from the Government of the United Kingdom, committed the offenses for which extradition is sought;

(9) The evidence before this Court is sufficient to justify the Defendant's committal for trial, on felony charges, had the offenses with which he is accused of having committed occurred in the United States. This finding rests upon the documents submitted by the Government of the United Kingdom in this matter, including, the Affidavit of Detective Constable Gary Waite of the Homicide and Serious Crime Directorate of the Metropolitan Police.

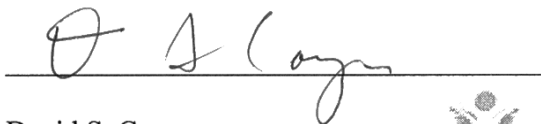
THEREFORE, pursuant to 18 U.S.C. § 3184, this Court certifies the extradition of the Defendant, ANDAIN MARTIN, a/k/a "Kevin Omar Brown" to the United Kingdom, on all offenses for which extradition was requested and commits the Defendant to the custody of the United States Marshal pending further decision on extradition and surrender by the Secretary of State pursuant to 18 U.S.C. § 3186.

IT IS FURTHER ORDERED that Clerk of this Court forward a certified copy of this Certification and Committal for Extradition, together with a copy of the evidence presented in this case, including the formal extradition documents received in evidence and any testimony received in this case, to the Secretary of State.

IT IS FURTHER ORDERED that, based upon an oral motion by counsel for the Defendant, and pursuant to 18 U.S.C. § 2251, that the Court's Order and the extradition of ANDAIN MARTIN is stayed for thirty days to enable Defendant time to file a Writ of Habeas Corpus. If the Defendant does not file the Writ within thirty days of the issuance of this Order, the Order will take full effect.

**SO ORDERED.**

Signed: January 9, 2017



David S. Cayer  
United States Magistrate Judge

